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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,583	03/18/2004	Edgardo Costa Maianti	DID1046US	7264

9561 7590 06/06/2006

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EXAMINER

CHAPMAN, GINGER T

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,583

Applicant(s)

MAIANTI ET AL.

Examiner

Ginger T. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Raible (US 5,770,149).

With regard to claims 1 and 4, as seen in Figures 3, 8 and 9, Raible discloses an integrated device (c. 1, l. 67) for oxygenating and filtering blood flowing through an extracorporeal blood circuit (10) comprising: a bubble trap (31) having an inlet (fig. 3: 28; fig. 8: 118) for receiving venous blood and an outlet (88; 88a) for supplying venous blood; a blood pump (40) having an inlet connected to receive blood from the outlet of the blood reservoir (30) and an outlet (52); a heat exchanger (54) having a blood inlet (60) connected to receive venous blood from the outlet of the pump (40) and a blood outlet (70) for supplying temperature controlled venous blood; an oxygenator (72) having an inlet (70) connected to receive venous blood from the outlet (70) of the heat exchanger (54) and an outlet for supplying oxygenated blood; an arterial filter (128) having an inlet (126) connected to receive oxygenated blood from the outlet of the oxygenator (72) and an outlet (88b) for supplying filtered oxygenated blood; and a monolithic housing (12) including a first portion for defining the bubble trap, a second portion for defining the blood pump, a third portion for defining the heat exchanger, a fourth portion for

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defining the oxygenator and a fifth portion for defining the arterial blood filter ("R/P/HE/MO": c. 12, l. 14; "M/D": c. 9, l. 45-47).

With regard to claims 2 and 5, Raible discloses a centrifugal pump (40).

With regard to claim 3 and 6, Raible discloses the centrifugal pump (40) has an axis (RA) and wherein the pump (40) is positioned within monolithic housing such that the axis of rotation is horizontal (c. 11, l. 25).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dueri et al (US 6,428,747) discloses an integrated device for oxygenating filtering and heating blood flowing through an extracorporeal blood circuit (c. 2, ll. 55-60).

Lindsay (US 6,306,346) discloses an integrated device (80) for oxygenating (32) and filtering (182) blood flowing through an extracorporeal blood circuit.

Bringham et al (US 4,876,066) discloses a device (20) for oxygenating (22) and filtering (128) blood flowing through an extracorporeal circuit (fig. 1).

Although these references are pertinent prior art, neither was used to reject any claims in the first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman
Examiner, Art Unit 3761
05/25/06



TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

